



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,775	03/15/2001	Alan R. Peters	FLT-53-DIV-II	6662

7590

02/17/2004

RICHARD D. GETZ
MCCORMICK, PAULDING & HUBER LLP
185 ASYLUM STREET
CITY PLACE II
HARTFORD, CO 06103-3402

EXAMINER

PETERSON, KENNETH E

ART UNIT	PAPER NUMBER
----------	--------------

3724

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,775

Applicant(s)

PETERS ET AL.

Examiner

Kenneth E Peterson

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 and 14-16 is/are allowed.
- 6) ☒ Claim(s) 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

1. Claims 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 17, it is not clear how the blade can be both rectangular *and* have an oblique cutting edge. It can be one or the other, but not both. Due to possibly diverging interpretations, it would not be clear what blades would infringe on this recitation.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bratrud in view of Cook and/or Goldstein.

Bratrud shows a blade magazine having a body (C) with a slot for receiving a blade (B,H) that has an oblique cutting edge at one end and a screw (19) at the other end.

Bratrud does not have a shoulder to prevent excessive blade exposure. However, it is well known for cutters of this sort to have such a shoulder. Cook shows a cutter with an obliquely extending cutting edge and an abutment shoulder (9) that prevents excessive blade exposure. Goldstein also shows abutments, one of which abuts the obliquely extending cutting edge as seen in figures 3-5. It would have been obvious to one of ordinary skill in the art to have modified Bratrud by providing an

abutment shoulder, as taught by Cook and/or Golstein, in order to better prevent excessive blade exposure.

4. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise in view of Cook and/or Goldstein.

Wise shows a blade magazine having a body (8) with a slot for receiving a blade (3) that has an oblique cutting edge at one end and a screw (11) generally at the other end.

Wise does not have a shoulder to prevent excessive blade exposure. However, it is well known for cutters of this sort to have such a shoulder. Cook shows a cutter with an obliquely extending cutting edge and an abutment shoulder (9) that prevents excessive blade exposure. Goldstein also shows abutments, one of which abuts the obliquely extending cutting edge as seen in figures 3-5. It would have been obvious to one of ordinary skill in the art to have modified Wise by providing an abutment shoulder, as taught by Cook and/or Golstein, in order to better prevent excessive blade exposure.

5. Claims 1-12,14-16 are allowed.

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

7. Examiner has found an undated brochure showing the Gunnart C-55 Mat cutter (now made of record). One of the figures on the second page shows a blade holder with many of the features of Applicant's blade holder. Examiner was unable to find out anything more about this cutter. Since the Applicant has a large presence in the mat cutting field, it is hoped that Applicant will be able to provide additional information about the Gunnart C-55 (both dates and structural details).


8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 703-308-2186. The examiner can normally be reached on Monday thru Thursday between 7am and 4pm.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

kp February 11, 2004



KENNETH E. PETERSON
PRIMARY EXAMINER